

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**SEAN GORDON WESTCOTT,**

Plaintiff,

No. 6:12-cv-00018-HU

OPINION AND ORDER

v.

**TASHA BLACK, THERESA ARENDELL,  
BETHANY SMITH, MICHAEL GOWER,  
MAXWELL WILLIAMS, and JOSEPH  
McCOOL,**

Defendants.

**MOSMAN, J..**

On September 4, 2013, Magistrate Judge Hubel issued his Findings and Recommendation (“F&R”) [74] in the above-captioned case, recommending that summary judgment be granted for Defendants on Mr. Westcott’s 42 U.S.C. § 1983 claims. Mr. Westcott objected [76], and Defendants responded [77].

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge; instead, I retain responsibility for making the final determination. I am required to review de novo those portions of the report or any specified findings or recommendations within it to which an objection is made. 28 U.S.C. § 636(b)(1). However, I am not required to review, de novo or

under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether objections have been filed, in either case I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1).

Upon review, I agree with Judge Hubel's recommendation, and I ADOPT the F&R [74] as my own opinion.

IT IS SO ORDERED.

DATED this 4th day of November, 2013.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge